



**DECISION MEMO**  
**CROSS MOUNTAIN RANCH SPECIAL USE PERMIT**  
**U.S. FOREST SERVICE**  
**ROUTT NATIONAL FOREST**  
**YAMPA RANGER DISTRICT**  
**ROUTT COUNTY COLORADO**

**BACKGROUND**

Cross Mountain Ranch, Limited Partnership (LP) has requested a reissue of their road use permit for access to the Dunkley-Dubeau Reservoir located on the Yampa Ranger District of the Routt National Forest, Routt County, Colorado, T.3N., R.88W., Sec. 1&2, 6<sup>th</sup> P.M. Special Use Permit YAM500309 was issued March 1998 and expired December 2017. The expired permit authorized road access to Dunkley-Dubeau, Sellers-Crowell, Shaffer, and JOK Reservoirs. It was determined that all previously authorized access routes in the expired permit are not needed because the routes to Sellers-Crowell and Shaffer Reservoirs are authorized in the Federal Land Policy and Management Act (FLPMA Ditch Bill) easements associated with those reservoirs. Additionally, no access to the JOK Reservoirs is needed because they are no longer in use and all water rights have been abandoned.

The Dunkley-Dubeau Reservoir is assumed to be authorized under the Act of March 3, 1891 (26 Stat. 1101) (43 USC 946-951); therefore, a road use permit is required to access the reservoir for routine operation and maintenance. Access will be authorized in the new permit from private property south east along NFSR 952.1 to Dunkley-Dubeau Reservoir (Exhibit A). Access on the closed section of 951.1 from Dunkley Pass will be authorized on a case by case basis.

**DECISION**

I have decided to authorize the reissue of a permit to Cross Mountain Ranch, LP for access to the Dunkley-Dubeau Reservoir on NFSR 952.1 and access on the closed section of 951.1 from Dunkley Pass on a case by case basis. The decision will be implemented through the issuance of a road use permit. The permit will be issued under the authority of the Federal Lands Policy and Management (FLPMA) Act of 1976, for a term of 5 years.

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions is identified in agency procedures as 36 CFR 220.6(e)(15): Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are no changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. The area affected was authorized in the previous permit and there will be no new construction or development of the road. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist including:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species
  - The district wildlife biologist was consulted on this project and determined there will be no effect for threatened or endangered species and no impact for Region 2 Sensitive species.
- Flood plains, wetlands, or municipal watersheds; the forest hydrologist was consulted on this project and stated there will be no adverse effects to flood plains, wetlands, or municipal watersheds. The following design elements will be added to the authorization:
  - Roads will be maintained to provide a suitable surface and to ensure surface water is diverted. Keep drainage channels, ditches, culverts and rolling dips clear of debris and functioning as intended.
  - Erosion control work shall be kept current and prevent the development of gullies or ditches.
- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas
  - The project area is not located within an inventoried or a potential wilderness area. No congressionally designated areas apply.
- Research natural areas
  - Dunkley-Dubeau Reservoir and NFSR 952.1 is not located within a natural research area
- American Indians and Alaska Native religious or cultural sites
  - The Forest archaeologist was consulted on this project and no known American Indian religious or traditional cultural properties have been identified
- Archaeological sites, or historic properties or areas Public Involvement.
  - The forest archaeologist submitted the Cross Mountain Ranch Road Use Permit Renewal (R2019020601011) to the Colorado State Historic Preservation Office (SHPO) on November 6, 2019 under the Negative Results Cultural Resource Inventories PA. There are no Heritage concerns as the project was proposed.
- Additional pertinent situations that were brought up during scoping for consideration and why they do not constitute extraordinary circumstances:

- The Holder is responsible for keeping the NFSR 952.1 gate closed and locked at all times. The gate must have a Forest Service lock and a Holder lock, allowing access to both parties.

## **SCOPING AND COOPERATORS**

The agency solicited input from Forest Service resource staff including: The Wildlife Biologist, Hydrologist, Archeologist, Rangeland Management Specialist, and Realty Specialist. This action was originally listed as a proposal on the Medicine Bow-Routt National Forest Schedule of Proposed Actions (SOPA) on May 10, 2019 (<https://www.fs.usda.gov/project/?project=56056>). No consultation with adjacent landowners nor other federal agencies was required.

## **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

Project design is consistent with the Routt National Forest Land and Resource Management Plan 1997 revision for the Management Area Prescription of 5.11, General Forest and Rangelands – Forest Vegetation Emphasis.

The Decision Memo complies with all applicable laws and regulations, including the Clean Water Act, National Historic Preservation Act, and Endangered Species Act. Best management practices will be applied to meet state water quality standards and protect soils.

## **ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES**

Projects and activities that are categorically excluded from documentation in an EA or EIS under the National Environmental Policy Act (NEPA) are no longer subject to either the post-decisional appeal (36 CFR 215) or the pre-decisional objection (36 CFR 218) processes, as stated in the Consolidated Appropriations Act of 2014 (Pub. L. No. 113-76, Section 431) and the Agricultural Act of 2014 (“Farm Bill,” Pub. L. No. 113-79, Section 8006). As a result of these two statutes, the Forest Service will no longer offer notice, comment, and appeal opportunities pursuant to 36 CFR 215 for categorically excluded projects.

## **IMPLEMENTATION DATE**

We expect to issue this permit by February 2020.

## **CONTACT**

For additional information concerning this decision, contact: Katie Soulliere, Realty Specialist, Routt National Forest, 925 Weiss Drive, Steamboat Springs, CO 80487, (970) 870-2222, [kathleen.soulliere@usda.gov](mailto:kathleen.soulliere@usda.gov).



J. P. Statezny

1/21/2020

JAMES STATEZNY

Date

Yampa District Ranger  
Medicine Bow-Routt National Forests  
And Thunder Basin National Grassland

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